Snohomish County
Planning and Development Services

Transportation Concurrency Requirements

Assistance Bulletin

#59

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This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Chapter 30.66B Concurrency Regulations

This bulletin discusses the concurrency requirements of Chapter 30.66B of the Snohomish County Code (SCC), including revisions that were adopted in 2001.

Concurrency

Q: What is Chapter 30.66B?

A: It is a section of the Snohomish County Code (SCC) often called the "Traffic Mitigation Ordinance" because it requires developers to mitigate, or "compensate for unavoidable environmental impacts" on county roads. It includes requirements for concurrency first adopted in 1995 to comply with the Washington State Growth Management Act (GMA).

Q: What does "concurrency" mean?

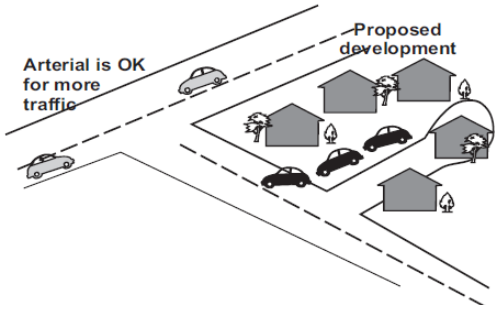
A: Concurrency requires a specific land use (development) to be accompanied by sufficient infrastructure in place to support it. In other words, you can't build 50 new homes unless there are enough roads, utilities, open space, etc., to accommodate the resulting increase in new residents. Chapter 30.66B SCC relates to concurrency of county roads.

Q: What is a "concurrency determination?"

A: Each development application is reviewed to determine whether or not there is enough capacity on arterial roads in the vicinity to accommodate the new traffic that will be generated by the proposed development without having traffic congestion increase to unacceptable levels in accordance with chapter 30.66B SCC. Simply stated, if there is sufficient arterial capacity, the development is deemed concurrent and can proceed.

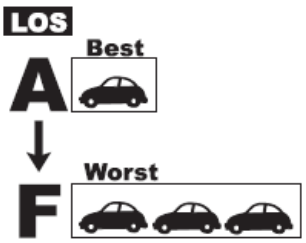
Q: How does the county measure concurrency?

A: Over the years, traffic engineers have developed various methods for measuring and estimating congestion levels on roads. These methods are used in the Concurrency Management System. The units of measurement used to express the amount of congestion are known as levels of service.



Levels of Service

Q: What do you mean by "levels of service?"

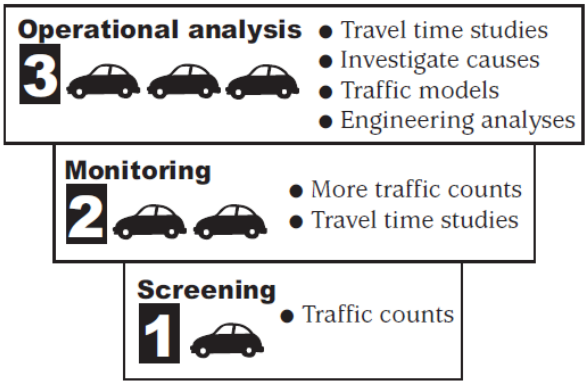


A: Levels of service (LOS) is an alphabetical grading scale that measures the number of vehicles a road can accommodate over a certain period of time. The scale is similar to a school grading system, with A being highest and F being lowest. So LOS A (least-congested) is the best level of service, while LOS F (most-congested) is the worst level of service. As traffic volumes increase, they begin to reach the capacity of the road; traffic congestion increases, the average speed of vehicles drops, and causes LOS "grade" to fall. At LOS E, the volumes have reached capacity and cars are moving slowly, but they are still moving consistently. At LOS F vehicles are moving in a "stop and go" manner, and average speeds are low.

Q: How does the county determine levels of service?

A: The arterial road system is divided into short segments known as arterial units. In urban areas, arterial units typically are ½ mile to 2 miles long; in rural areas, they typically are 1 mile to 10 miles long. Each segment is measured using a three-tiered approach to determine the LOS:

1. Screening. The first (and lowest) tier compares current peak-hour traffic counts with estimated capacities for each arterial unit, screening out units operating at very high levels of service that are not at risk for concurrency. Most arterial units fall into this tier, which requires an updated traffic count only every few years.



2. Monitoring. Those arterial units whose traffic counts are approaching the estimated capacity fall into the next (middle tier, which consists of more-frequent traffic counts and refinements of the capacity estimates. In some cases, travel-time studies may be performed for arterial units being monitored.

3. Operational analysis. If monitoring indicates there may be a current LOS problem, this last (highest) tier provides travel-time studies, investigation of the causes of congestion, traffic models and other traffic engineering analyses. These will determine whether the LOS has fallen or soon will fall below the code adopted standard.

Q: What are the county's adopted LOS standards?

A: The GMA requires individual jurisdictions to adopt level-of-service standards for roads; consequently, the standards may vary by jurisdiction. They also may vary according to transit-compatibility (roads on which a viable transit alternative exists for the occupants or users of the development). Snohomish County's adopted standards are as follows:

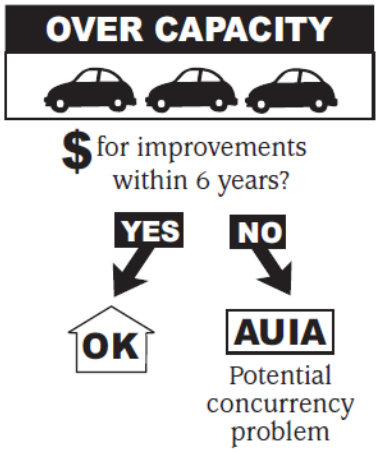
Tolerable Roadway Levels of Service

Categories	Not Transit-Compatible	Transit-Compatible
Rural Area Outside the UGA	LOS C Peak Hour	LOS D Peak Hour
Urban Area Inside the UGA	LOS E Peak Hour	Below LOS E Peak Hour
The term "peak hour" refers to those one-hour periods during the day when congestion is the worst. For most arterials, there are two peaks, or "rush hours," one in the morning and one in the afternoon.		

As you can see, the county tolerates lower levels of service (more congestion) in urban areas than it does in rural areas, and even lower levels if the development and the road system are transit compatible.

Q: What happens when a road is over capacity?

A: When a road is over capacity, the county conducts further analysis to determine whether there are funded improvements that would remedy the problem within six years (the "window" of time provided by the GMA during which roads must be improved to meet code requirements for acceptable standards). If such funding is forthcoming from a city, state, county or developer, the arterial unit is not considered to be a concurrency problem. However, if no such funded improvements are available, the deficiency creates a potential concurrency problem for some developments. The county has coined the term "arterial unit in arrears" (AUIA) to refer to such arterials, that is, roads that are over capacity with no improvements funded to add more capacity.



Q: What happens when a road is forecast to be over capacity within six years?

A: In some cases, roads may have enough capacity to accommodate existing traffic, but forecasts of future traffic show that the road will be over capacity within six years. These arterials will also be declared "in arrears." Note that prior to the 2001 revisions to Chapter 30.66B SCC, arterial units could be declared in arrears based only on current road conditions. The main objective of the revisions was to enable the county to designate an arterial unit "in arrears" based on forecast level-of-service conditions.

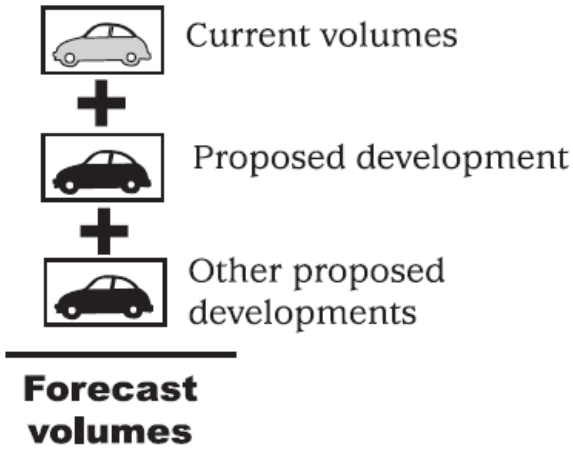
Q: How does the county forecast future traffic volumes?

A: Traffic engineers take into account current volumes (based on actual counts), volumes expected to be generated by a proposed development, and volumes from other developments that have been deemed concurrent but are not yet occupied.

When a developer submits an application for a proposed development, the application must include a traffic study. The study must estimate the number of new vehicle trips expected to be generated by the development when it is fully occupied. For all but the smallest developments (residential or commercial developments generating fewer than three directional peak-hour trips), the traffic study also must include a trip distribution. A trip distribution estimates the likely destinations of trips generated by a proposed development and the likely traffic routes to reach those destinations.

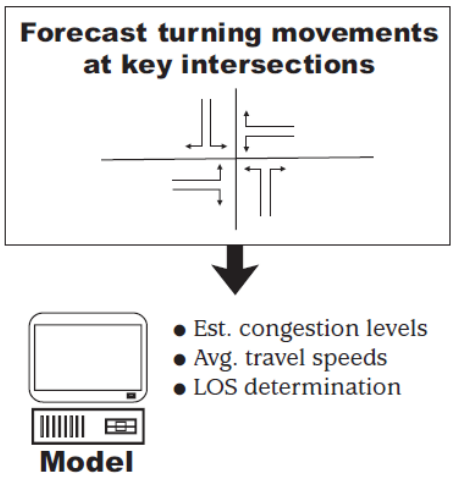
The result of the analysis is a map or list indicating the number of trips likely to be added to the road system from the proposed development, including the trips added to individual traffic movements on arterial units and at intersections.

The trip distributions from all developments that have been deemed concurrent are combined to show the cumulative traffic volumes forecast on arterial units and at intersections. The county tracks all of these volumes in a forecast traffic database. Once a development is occupied, however, the trips from that development are captured in the actual traffic counts, and the development then is taken out of the database.



Q: How does the county convert forecast traffic volumes into future levels of service?

A: Most congestion occurs at intersections, so traffic engineers identify the key intersections that contribute to congestion for each arterial unit. They then take the forecasts for all of the turning movements at the key intersections and estimate the congestion levels using traffic modeling programs. These models then estimate the average travel speeds of vehicles operating under the projected conditions. The average travel speeds are the final basis for determining the levels of service on a road.



Concurrency Determinations and Appeals

Q: How does the county make concurrency determinations?"

A: When a developer makes an initial application, it includes a traffic study. Based on that traffic study, Planning and Development Services (PDS) determines whether the development will impact any arterial units in arrears (AUIAs). Developments that generate less than 50 peak hour trips that do *not* impact any AUIAs are deemed concurrent. If a development is not deemed concurrent, it cannot be approved. Developments that add three or more directional peak-hour trips to any AUIAs within their transportation service area will only be deemed concurrent with a condition that the deficiency be corrected.

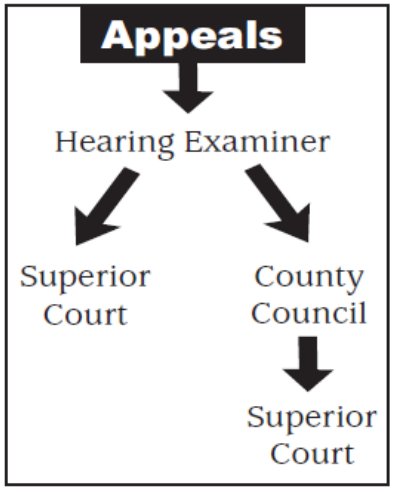
Q: Are there any additional concurrency requirements for large developments?

A: Large developments (any which will generate more than 50 peak-hour trips) cannot be deemed concurrent unless they also provide a traffic study that forecasts acceptable congestion levels of roads in their vicinity. Developments that create less than 50 peak-hour trips are not required to provide forecasts, but information from forecasts done by large developments or by the county will be used to determine whether developments with less than 50 peak-hour trips can be deemed concurrent.

Appeals of Concurrency Determinations

Q: Is there a review or appeal process for concurrency determinations?

A: PDS provides a public notice of the concurrency determination including information on how the determination can be appealed. Any party may appeal a concurrency determination and have it reviewed by the county Hearing Examiner. Depending on the type of development proposed, appeals of the Examiner's decision will be either sent directly to Superior court, or first to the County Council and then ultimately to Superior Court.



Q: What review standards does the Hearing Examiner use?

A: The Examiner can overturn a concurrency determination if it is shown to be "clearly erroneous." PDSs' professional judgment and expertise are given "substantial weight" in the decision-making process, and the party challenging the concurrency determination has the burden of proof.

Preapplication Concurrency Determinations

Q: Can a developer get a concurrency evaluation before submitting an application?

A: Yes. Developers obviously do not want to spend a lot of time and money conducting site analysis and preparing detailed site plans only to find out after applying that their development cannot be deemed concurrent.

Therefore, beginning January 1, 2002, developers can have their developments evaluated for concurrency prior to application. A developer can initiate this process simply by requesting a traffic study scoping meeting with PDS. At the meeting, PDS staff will lay out requirements for a preapplication concurrency traffic study. The developer can then formally apply for a preapplication concurrency evaluation by submitting a traffic study consistent with the requirements established at the scoping meeting. The developer is required at that time to pay a review fee, the amount of which will vary based on the number of arterial units analyzed.

Q: Can these preapplication concurrency decisions be appealed?

A: Yes. Appeals of preapplication concurrency decisions go first to the Hearing Examiner. Appeals of the Examiner's decision go either directly to court or first to County Council and then to court (depending on whether or not the development will require a permit or approval over which the Examiner exercises original jurisdiction). Where the Examiner does have original jurisdiction (e.g. subdivisions), the County Council hears the appeal.

Q: Does the county also provide notice for preapplication concurrency applications?

A: Yes. The developer is required to post the property proposed for development. The county sends notices to neighbors and published a notice in the newspaper of record. For 21 days following the date of notice, staff will accept comments from any interested parties related to whether concurrency can or should be approved for the proposed development.

Q: When is the notice of decision issued?

A: Fourteen days after the close of the comment period, the county issues a notice of the concurrency decision. The notice includes information about the manner and deadline for aggrieved parties to file an appeal of the decision.

Q: How long are preapplication concurrency approvals valid?

A: The approvals are valid for 180 days from the date of issuance of the pre-concurrency decision for development applications whose traffic impacts will not exceed those described in the traffic study. Any development application made for a parcel of land with a valid preapplication concurrency approval will be deemed concurrent. No further review or appeal of concurrency issues for the development will occur during the subsequent review and/or appeal of the development application, unless certain time limitations which apply to all development applications are exceeded.

Q: Whom should I call if I need more information?

A: Call Mark Brown at (425) 388-3311, ext 4536.